

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST MILLER,

Plaintiff,

vs.

1: 09 CV 02232 YNP SMS (PC)

ORDER TRANSFERRING ACTION TO
CENTRAL DISTRICT

MR. FAVOHT, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation at High Desert State Prison, brings this civil rights action against correctional officials employed by the CDCR at CSP Lancaster.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district. The claim arose in Los

1 Angeles County, which is in the Central District of California. Therefore, plaintiff's claim
2 should have been filed in the United States District Court for the Central District of California.
3 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
4 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
5 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
7 States District Court for the Central District of California.

8 IT IS SO ORDERED.

9 **Dated: April 6, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE